

December 10, 2020

Governor Evers and Wisconsin State Legislature:

As the COVID-19 pandemic continues, the threat of predatory lawsuits, seeking possibly bankruptcy causing damages, for alleged COVID-19 exposures is a major concern of small businesses and many other entities, even if they “did everything right” by complying with public health orders and taking all necessary precautions.

We appreciate the past efforts of the legislature and Governor Evers at the beginning of the pandemic to protect healthcare workers and those businesses that donate personal protective equipment. We also are happy to see Speaker Vos proposing liability reforms, as outlined in a December 1 Legislative Fiscal Bureau memorandum. That memo contains some encouraging concepts and we are interested in providing input on the statutory language to ensure that struggling Wisconsin businesses, non-profits, schools, and homeowners receive meaningful—and easy to comply with—protections from predatory lawsuits, provided they take adequate precautions to keep their premises safe.

In the same vein, the undersigned organizations encourage the legislature to pass, and governor to sign, meaningful liability reforms based off of LRB-6434/2 authored by Senator Kapenga, Representative Born, and Representative Knodl. The legislation would create a safe harbor for all property owners/occupants who are good actors against frivolous lawsuits alleging a plaintiff was infected with COVID-19 at a specific premises. *The bill is not business community specific and would protect homeowners, non-profits, schools, universities, and any other premises including outdoor events and festivals.* The safe harbor would not protect bad actors. An entity would lose the liability exemption if they knowingly violated a public health order or spread COVID-19 by acting in a reckless, wanton, or intentional manner.

Wisconsin is not alone in enacting premises liability protections. At least 13 other states have also done so, including neighboring states Iowa and Michigan. The legislature and governor need to act quickly to protect businesses, schools, non-profits, and individuals doing the right thing.

The signatories respectfully urge the legislature and governor to work together to pass and enact substantive liability protections like LRB-6434/2, which will help rebuild Wisconsin’s communities and economy.

Sincerely,

Wisconsin Manufacturers & Commerce  
National Federation of Independent Business – Wisconsin  
Wisconsin Civil Justice Council  
Wisconsin Association of Independent Colleges and Universities  
Wisconsin Technology Council

Wisconsin Association of School Boards  
Wisconsin Insurance Alliance  
Wisconsin Builders Association  
Wisconsin Bankers Association  
Wisconsin Property Taxpayers, Inc.  
Midwest Food Products Association  
Wisconsin Restaurant Association  
Fox Cities Chamber of Commerce  
Marinette Menominee Area Chamber of Commerce  
Greater Wausau Chamber of Commerce  
Stoughton Chamber of Commerce  
Portage County Business Council, Inc.  
Metropolitan Milwaukee Association of Commerce  
Associated Builders and Contractors of Wisconsin  
Marshfield Area Chamber of Commerce and Industry  
The Wisconsin Credit Union League  
Burlington Chamber of Commerce  
Wisconsin Institute of CPAs  
Greater Green Bay Chamber of Commerce  
Bowling Centers Association of Wisconsin  
Waukesha County Business Alliance  
Wisconsin Dairy Business Association  
Wisconsin Defense Council  
American Property Casualty Insurance Association  
Muskego Area Chamber of Commerce  
Wisconsin Petroleum Marketers and Convenience Store Association  
Commercial Association of REALTORS Wisconsin  
Wisconsin Agri-Business Association  
Venture Dairy Cooperative  
Eau Claire Area Chamber of Commerce  
Racine Area Manufacturers and Commerce  
Beaver Dam Area Chamber of Commerce  
Oshkosh Chamber of Commerce  
Wisconsin Cheese Makers Association  
Wisconsin Convention and Visitor Bureaus  
Mosinee Area Chamber of Commerce  
Wisconsin Hotel & Lodging Association  
Wisconsin Grocers Association  
Wisconsin Farm Bureau Federation  
Independent Insurance Agents of Wisconsin  
Wisconsin Dairy Alliance  
The Plumbing and Mechanical Contractors Association of Milwaukee  
The Sheetmetal and Air Conditioning Contractors Association of Milwaukee

Wisconsin REALTORS Association  
Wisconsin Motor Carriers Association  
Wisconsin Transportation Builders Association  
Professional Insurance Agents of Wisconsin, Inc.  
West Bend Area Chamber of Commerce  
Wisconsin Association of Textile Services  
Wisconsin Amusement and Music Operators  
Wisconsin Automatic Merchandising Council  
Tool, Die & Machining Association of Wisconsin  
Associated General Contractors  
Independent Business Association of Wisconsin  
Wisconsin Veterinary Medical Association  
Wisconsin Potato & Vegetable Growers Association  
Wisconsin Soybean Association  
Wisconsin State Cranberry Growers Association  
Wisconsin Cattlemen Association  
Wisconsin Association of Professional Agricultural Consultants  
Germantown Area Chamber of Commerce  
Sun Prairie Chamber of Commerce  
Hartford Area Chamber of Commerce  
Whitewater Area Chamber of Commerce & Tourism  
Oregon Area Chamber of Commerce  
Menominee Area Chamber of Commerce & Visitor Center  
Envision Greater Fond du Lac, Inc.  
Alliance of Wisconsin Retailers